

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

RICHARD BAYS,

Petitioner,

: Case No. 3:08-cv-076

- vs -

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

WARDEN, Ohio State Penitentiary,

:

Respondent.

---

---

**RECOMMITTAL ORDER**

---

---

This capital habeas corpus case is before the Court on Objections by both parties (Doc. No. 257, 258) to the Magistrate Judge's Report and Recommendations (Doc. No. 256). The Petitioner has also indicated an intention to object (see Doc. No. 187).

The District Judge has preliminarily considered the Objections and believes they will be more appropriately resolved after further analysis by the Magistrate Judge. Accordingly, pursuant to Fed. R. Civ. P. 72(b)(3), this matter is hereby returned to the Magistrate Judge with instructions to file a supplemental report analyzing the Objections and any objections filed by Petitioner and making recommendations based on that analysis.

October 16, 2017

\*s/Thomas M. Rose

---

Thomas M. Rose  
United States District Judge